



1 Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 6142**  
Mitsuaki OSHIMA et al. : Attorney Docket No. 2000\_1388  
Serial No. 09/677,421 : Group Art Unit 2634  
Filed October 5, 2000 : Examiner Dac V. Ha  
COMMUNICATION SYSTEM :

---

**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

On February 22, 2006, the U.S. Patent and Trademark Office (PTO) issued a Notice of Non-Compliant Amendment under 37 CFR 1.121. The Notice indicated that each claim had not been provided with the proper status identifier, etc., see checked Box 4C on the Notice.

However, this Notice of Non-Compliant Amendment is incorrect because the present application is a reissue application. The manner of making amendments in applications under 37 CFR 1.121 does not apply to reissue application. Please see 37 CFR 1.121(i) which states that any amendment to the description in claims in reissue applications must be made in accordance with Section 1.173. The amendment made in the present application were made in compliance with 37 CFR 1.173 as required.

In view of the above, it is submitted that the Notice of Non-Compliant Amendment under 37 CFR 1.121 is improper and should be withdrawn.

Respectfully submitted,

Mitsuaki OSHIMA et al.

By: 

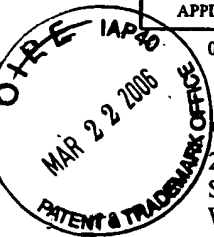
Jeffrey R. Filipek  
Registration No. 41,471  
Attorney for Patentees

JRF/fs  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 22, 2006



# UNITED STATES PATENT AND TRADEMARK OFFICE

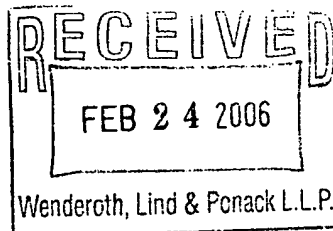
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,421	10/05/2000	Mitsuaki Oshima	2000-1388	6142
7590 02/22/2006				
Wenderoth Lind & Ponack 2033 K Street Suite 800 Washington, DC 20006				
EXAMINER HA, DAC V				
ART UNIT		PAPER NUMBER		
2634				

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



BEST AVAILABLE COPY

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/677421

Applicant(s)

Examiner

HA, DAC

Art Unit

2634

MAR 22 2006

The MAILING DATE of this communication appears on the cover sheet with the correspondence address. The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officelflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or  
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE)

Telephone No.

Part of Paper No.

BEST AVAILABLE COPY